

# THE TOWN OF MERRIMAC

S6911 State Highway 113 - P.O. Box 115  
Merrimac, WI 53561

## DECISION BY THE TOWN BOARD

*Prepared by Tim McCumber, Town of Merrimac Administrator  
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The Town Board has the authority to approve or deny the creation of the sanitary district. **Approval of a sanitary district DOES NOT mean a water utility will be constructed.** The Town of Merrimac created a sanitary district on December 5, 1995 to research the possibility of constructing a sewer utility that ultimately was never created.

### **Forming the Sanitary Commission (Wis. Stat. 60.74 (2)(a))**

Because the town sanitary district is located in 2 or more towns, the town board of the town containing the largest portion of the equalized full value of taxable property of the district shall determine, within 60 days after the district is established, how commissioners will be selected. The town board may appoint commissioners or provide for their election.

- It is most likely the Town Board will appoint itself to serve as the commissioners of the sanitary district. This puts the process in the hands of elected officials who are held accountable to the residents. It also gives the Board the authority to make sure any conditions that might be established by the Town Board are met.

## BEFORE CONSTRUCTION CAN BEGIN

Even before the first public hearing, a number of concerns about the proposed water utility have been raised by the representatives of the Town of Merrimac, Town of Prairie du Sac, and the Town of Sumpter and its residents. Below is a partial list of concerns, issues, and possible conditions the Sanitary Commission (Town Board) will most likely want addressed before giving approval to construct the system. This list only reflects major issues that cannot be addressed until a sanitary district is actually formed.

- Construction costs will not be transferred to the property owners in the proposed district.
- The capping of any private wells shall not be the cost of the property owner.
- A fund should be established adequate enough to cover the long-term replacement and repair costs of the system.
- Establishment of reasonable reimbursement schedule for the cost of private well replacement based on size and depreciation.
- Analysis that shows the proposed utility is not likely to have a negative impact on property values.
- Successful negotiations with the Public Service Commission (PSC) and/or the state legislature to establish a fee structure that will provide residents this service at a cost that does not exceed private well ownership.
- Successful negotiations with the Public Service Commission (PSC) and/or the state legislature to provide farmers water at a cost that does not exceed private well ownership or exceptions for cattle and other agricultural uses.

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## PROPOSED WATER UTILITY

### *What can you expect?*

#### **Creation of a Town Sanitary District (Wis. Stats. 60.71)**

- a. A sanitary district can be created by either Town Board order or by order of the Department of Natural Resources. The United States Army has determined it will file its petition at the town level.
  - i. A sanitary district may include a water utility, a sewer utility, or both. This proposal only considers a water utility.
- b. **WHY THE TOWN OF MERRIMAC TOWN BOARD?** When a proposed town sanitary district is in more than one town, the town board of the town containing the largest portion of the equalized full value of taxable property within the proposed district has exclusive jurisdiction to establish the town sanitary district.
- c. **FILING THE PETITION.** At least 51% of the land within the limits of the territory proposed to be organized into a town sanitary district may petition the town board for the establishment of a town sanitary district.
  - i. The Army is required to file a surety bond, or equivalent, with the town clerk, with security approved by the town board, sufficient to pay all of the expenses connected with the proceedings if the town board refuses to organize the district.
- d. **PUBLIC HEARING.** The town board shall schedule and conduct a hearing within 30 days after receipt of the petition.
  - i. The Town Board is required to publish a class 2 notice, under ch. 985. At least 10 days prior to the hearing.
  - ii. The Town Board is not required to, but will send certified letters to all property owners in the proposed district and property owners only.
  - iii. Any person may file written comments on the formation of the district with the town clerk. Any owner of property within the boundary of the proposed district may appear at the hearing and offer objections, criticisms or suggestions as to the necessity of the proposed district and the question of whether his or her property will be benefited by the establishment of the district.
- e. **DECISION BY THE TOWN BOARD.** Within 30 days after the conclusion of the hearing the town board shall issue written findings and a decision on formation of the proposed town sanitary district.

Any opinions expressed in this document are expressly those of the Merrimac Town Administrator, Tim McCumber, and may or may not reflect the opinions of any individual town board member or the town board as a whole.